

SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 4-23-03

APPL. S.N.: 09/762,572

EXAMINER: _____

ART UNIT: 21/1773

PARALEGAL: JEAN PROCTOR

MAILROOM DATE: 3-31-03

AFTER FINAL: YES _____ NO ☒

NUMBER OF T.D.(S) FILED: 1

INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T.D., please see our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

☐ The T. D. is PROPER and has been recorded. (See 14.23)

☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

☐ The recording fee of \$ _____ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

☐ Application Examiner has not processed fee for T. D.

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26)

☐ The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting Rule 321(c). (See 14.27 and 14.27.1)

☐ T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted, MPEP 1490. (See 14.26 and 14.26.2)

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity. (See 14.28)

☐ is not recognized as an officer of the assignee. (See 14.29.1)

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30)

☐ No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

☐ The T. D. is not signed (See 14.26 and 14.26.3)

☒ Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)

☐ Other _____



Attorney Docket No. 146154.00008

Group Art Unit: 1773

Examiner: Donald L. Tarazano

Inventors: Angela Speith-Herfurth *et al.*

Serial No.: 09/762,572

Filed: February 8, 2001

For: MULTI-LAYER BIAXIALLY ORIENTED
POLYPROPYLENE FILM HAVING AN
IMPROVED BARRIER, A METHOD
FOR THE PRODUCTION THEREOF,
AND THE USE THEREOF

APPLICANTS' TERMINAL DISCLAIMER

Hon. Commissioner of Patents
And Trademarks
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 24, 2003.

By

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Sir:

1. HOECHST TRESPAPHAN GMBH, the owner of the present above-identified application as well as the owner of U.S. Serial No. 09/762,572, hereby disclaims and dedicates to the public the term of any patent which issues from the present application which extends beyond the expiration date of a patent granted on said U.S. Serial No. 09/762,572. HOECHST TRESPAPHAN GMBH, further agrees and acknowledges that any patent granted on the present application shall be enforceable only for and during the period that said patent is commonly owned with said U.S. Serial No. 09/762,572.


2. HOECHST TRESPAPHAN GMBH, further agrees and acknowledges that any patent granted on the present application shall be enforceable only for and during the period that said patent is commonly owned with said U.S. Serial No. 09/762,572.

3. HOECHST TRESPAPHAN GMBH, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of a patent granted on U.S. Serial No. 09/762,572 in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its

statutory term, except for the separation of legal title stated above.

4. Thomas T. Moga hereby declares that he is the appointed attorney for HOECHST TRESPAPHAN GMBH, and is properly authorized to execute this document on its behalf; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Thomas T. Moga
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Attorney for Applicants

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Dated: **March 24, 2003**

TTM/hs